

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Takahashi** §
§ Confirmation No.: **4625**
Serial No.: **10/653,666** §
§ Group Art Unit: **2146**
Filed: **September 2, 2003** §
§ Examiner: **Smarth, Gerald A.**
For: **Reverse Proxy Mediator for Servers** §
§ Attorney Docket No.: **JP920020097US1**
§
§
§

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

36736

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
FINAL OFFICE ACTION NOT RECEIVED**

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Final Office Action forming the basis of the abandonment was not received. I hereby state: (a) the Final Office Action indicated on the Notice of Abandonment, as mailed on May 13, 2008, was not received; and (b) a search of the file jacket and the docket records in my office indicates that this Final Office Action was not received.

I attach a copy of the docket record where the non-received Final Office Action would have been entered had it been received and docketed. As additional evidence of non-receipt of the Final Office Action, I also attach a statement from the legal assistant, Monica Gamez, who would have docketed the Final Office Action had it been received.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Final Office Action as mailed on October 12, 2007, according to the USPTO Patent Application Information Retrieval system, be re-dated and mailed so that our office can respond in a timely manner.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,

/Theodore D. Fay III/
Theodore D. Fay III
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Attorney for Applicant

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Servers § Confirmation No.: **4625**
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AFFIDAVIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Monica Gamez, being of sound mind and legal age, and fully aware of the punishable nature of making untrue statements as Affiant herein, do hereby attest to personal knowledge of the following:

I am employed by the law firm of Yee & Associates, P.C. (the "Firm"), as a Legal Assistant, in which capacity I personally receive all client related materials requiring further action and docketing on behalf of the Firm and IBM Corporation (the "Client").

On the mailing date of the Final Office Action in question, October 12, 2007, I was employed full time by the Firm and have no record of receipt of said Final Office Action. The Firm received a telephone call from the Examiner inquiring of the status of the response to the October 12, 2007 Final Office Action. At that time, I immediately contacted the Client to inform them of this situation and to ask if they had received a copy of the Final Office Action instead. They notified me that they had not received the Final Office Action.

When a Final Office Action is received, I enter the Final Office Action on the Firm's master docket and also enter the Final Office Action on the Firm's internal docketing system which produces a Case History Report. Receipt of the Final Office Action is neither indicated on the case history report nor on the case file index attached hereto.

Sworn to and attested as follows at Dallas, Texas on Friday, June 6, 2008:

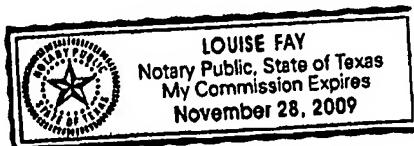
AFFIANT:

Monica Gamez
Monica Gamez

On this the 6th day of June, 2008, personally appeared before me Monica Gamez, to me known to be the person named in and who executed the above instrument, and acknowledged that she executed the same for the uses and purposes therein mentioned.

Louise Fay
Louise Fay
Notary Public
My commission expires: Nov. 28 2009

(seal)





Office Action (Record Locked to allow your updates)

Record Save References Reminders Electronic Files Forms Help



Case No: J92002009US1

Country: USA

Notes / FlexFields / Non-Compliant Response**Dates / Response**

ex Parte Quale Date Mailed: 4/4/2007
 Restriction Req. Date Received: 4/17/2007
 Final Date Due: 7/5/2007
 Received Conf. Last Date to File: 10/4/2007
 Response Date Sent/Abandoned: 7/11/2007
 Faxed/Emailed Date Received in Patent Office: 7/11/2007

Examiner Name:	<input type="text"/>
Phone:	<input type="text"/>
Fax:	<input type="text"/>
Art Unit / Office:	<input type="text"/>

Type of Amendment/Response

Amendment/Remarks CPA RCE Appeal
 Preliminary Amendment Withdrawn by PTO
 Examiner Amendment

Advisory Action

Expected Received

Continue to Show Last
 Date to File Reminder

7/13/2007 MMG

**IBM CORPORATION
JP920020097US1**

RESERVE PROXY MEDIATOR FOR SERVERS

1.	PATENT APPLICATION FORMAL DRAWINGS	09/02/03
2.	IDS	08/30/05
3.	CORRESPONDENCE ADDRESS/ FEE ADDRESS CHANGE	12/13/05
4.	IDS	10/20/06
5.	OFFICE ACTION	04/04/07
6.	POWER OF ATTORNEY	04/20/07
7.	ACCEPTANCE OF POWER OF ATTORNEY	05/09/07
8.	RESPONSE TO OFFICE ACTION PETITION FOR EXTENSION	07/11/07